

ORDER**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION****1110.129**

6/20/01

**SUBJ: AVIATION SAFETY ACTION PROGRAM AVIATION RULEMAKING
COMMITTEE**

1. PURPOSE. This order constitutes the charter for the Aviation Safety Action Program (ASAP) Aviation Rulemaking Committee that is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) 106(p)(5).

2. DISTRIBUTION. This order is distributed at the director level in Washington headquarters and in the regions with a division level distribution in the regional Flight Standards Divisions.

3. BACKGROUND. An Aviation Safety Action Program (ASAP) is entered into voluntarily by the Federal Aviation Administration (FAA), a certificated entity (e.g. an air carrier or repair station), and usually an employees' labor union. The overall goal is to enhance public safety by identifying unsafe practices and correcting them. The intent of the program is to create a non-punitive environment for employees to report safety issues and events. The FAA limits the enforcement action it takes against employees covered by ASAP to encourage them to report safety problems. FAA policy with regard to ASAP is described in Advisory Circular (AC) 120-66, as amended. Because ASAP may entail FAA administrative action or even no FAA action in lieu of FAA enforcement action for alleged violations of the Federal Aviation Regulations revealed in reports accepted under the program, FAA policy on ASAP remains controversial. In addition, the information revealed by ASAP reports may be considered sensitive by airlines and employees. The FAA has undertaken rulemaking which would protect voluntarily submitted safety related information, such as ASAP reports, from release to the public.

4. OBJECTIVES AND SCOPE OF ACTIVITIES. The Administrator has determined that a government/industry forum is needed to provide the FAA with advice on FAA ASAP policy and to prepare recommendations on whether rulemaking applicable to ASAP would or would not be appropriate. The ASAP Aviation Rulemaking Committee will serve as a forum for interaction among FAA, industry employee groups, airlines, and repair stations regarding ASAP goals, issues, and concerns. The committee will be assigned specific tasks by the Associate Administrator for Regulation and Certification.

5. DUTIES.

a. The committee shall meet with such employees of the FAA as may be designated by the Associate Administrator for Regulation and Certification, and present whatever input, guidance, and recommendations the members of the committee consider relevant to the ultimate disposition of ASAP issues.

b. If directed to do so by the Associate Administrator for Regulation and Certification, the committee shall conduct at least one public meeting to provide all interested parties an opportunity to present their views and recommendations on ASAP issues.

6. ORGANIZATION AND ADMINISTRATION.

a. The Associate Administrator for Regulation and Certification shall have the sole discretion to appoint members of the committee. The committee shall consist of employees of the FAA and members of the public representative of the various viewpoints of companies and labor associations involved in ASAP.

b. The Associate Administrator for Regulation and Certification shall receive all committee recommendations and reports. The Associate Administrator shall also be responsible for providing administrative support for the committee.

c. The Associate Administrator for Regulation and Certification is the sponsor of the committee and shall designate the Chair of the committee from the membership of the committee. Once designated, the Chair:

(1) Determines, in coordination with the other members of the committee, when a meeting is required and where it will be held;

(2) Arranges notification to all committee members of the time and place for any meeting; and

(3) Formulates an agenda for each meeting and 'conducts the meeting.

d. The committee is not required to keep minutes, but may elect to do so.

e. The committee's meetings shall not be open to the public.

7. COMPENSATION. Non-government representatives serve without Government compensation and bear all costs related to their participation on the committee.

8. ESTIMATED COST. The estimated operating cost (including pro rata share of salaries of FAA employees) is \$10,000. Approximately 0.3 person-years will be required to support the committee.

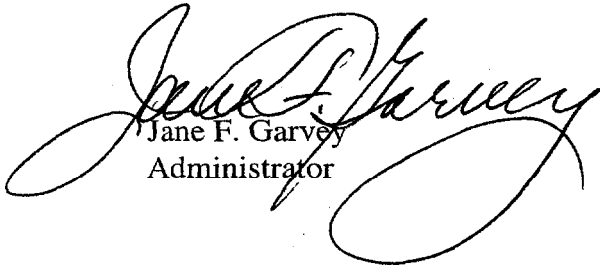
9. PUBLIC PARTICIPATION. Unless otherwise decided by the Associate Administrator for Regulation and Certification, all meetings of the committee shall be closed. Interested persons wishing to attend a meeting who are not members of the committee must request and receive approval in advance of the meeting from the Associate Administrator.

10. AVAILABILITY OF RECORDS. Subject to the provisions of the Freedom of Information Act, Title 5 of the United States Code (5 U.S.C.) Section 522, records, reports,

agendas, working papers, and other documents that are made available to, prepared by, or prepared for the committee shall be available for public inspection and copying at the FAA Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591. Fees shall be charged for the information furnished to the public in accordance with the fee schedule published in part 7 of title 49, Code of Federal Regulations.

11. PUBLIC INTEREST. The formation of the ASAP Aviation Rulemaking Committee is determined to be in the public interest in connection with the performance of duties imposed on the FAA by law.

12. EFFECTIVE DATE AND DURATION. This committee is effective on **July 2, 2001**. The committee shall remain in existence until **July 2, 2003**, unless sooner terminated or extended by the Administrator.



Jane F. Garvey
Administrator